

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 284
97TH GENERAL ASSEMBLY

0971L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.614, 578.620, and 578.622, RSMo, and to enact in lieu thereof twenty-eight new sections relating to possession of exotic animals, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.614, 2 578.620, and 578.622, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, 3 to be known as sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.613, 4 578.614, 578.615, 578.620, 578.700, 578.703, 578.704, 578.706, 578.709, 578.712, 578.715, 5 578.718, 578.721, 578.724, 578.727, 578.730, 578.734, 578.736, 578.737, 578.739, 578.742, and 6 578.745, to read as follows:

578.600. 1. Sections 578.600 to 578.624 shall be known and may be cited as the "Large 2 Carnivore Act".

3 2. As used in sections 578.600 to 578.624, the following terms mean:

4 (1) "Circus", an incorporated, class C licensee that is licensed under Chapter I of Title 5 9 of the Code of Federal Regulations that is temporarily in this state, and that offers skilled 6 performances by live animals, clowns, and acrobats for public entertainment;

7 (2) "Department", the Missouri department of agriculture;

8 (3) **"Director", the director of the Missouri department of agriculture;**

9 (4) "Division", the division of animal health of the Missouri department of agriculture;

10 [(4)] (5) "Facility", an indoor or outdoor cage, pen, or similar enclosure where a large 11 carnivore is kept;

12 [(5)] "Humane killing", the same meaning as such term is defined in section 578.005;]

13 (6) "Large carnivore", either of the following:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (a) Any of the following large cats of the Felidae family that are nonnative to this state
15 held in captivity: tiger, lion, jaguar, leopard, snow leopard, [clouded leopard,] and cheetah,
16 including a hybrid cross with such cat, but excluding any unlisted nonnative cat, or any common
17 domestic or house cat; or

18 (b) A bear of a species that is nonnative to this state and held in captivity;

19 (7) "Livestock", the same meaning as such term is defined in section 267.565;

20 (8) "Permit", a permit issued under section 578.602;

21 (9) **"Person", any individual, partnership, corporation, organization, trade or**
22 **professional association, firm, limited liability company, joint venture, association, trust,**
23 **estate, or any other legal entity, and any officer, member, shareholder, director, employee,**
24 **agent, or representative thereof;**

25 (10) **"Possessor", any person who owns, possesses, keeps, harbors, brings into the**
26 **state, transports within the state, has in one's possession, acts as a custodian of, or has**
27 **custody or control of, a large carnivore;**

28 (11) "Qualified veterinarian", a person licensed to practice veterinary medicine under
29 chapter 340;

30 (12) **"Site", contiguous property on which one or more facilities are located.**

578.602. 1. Except as permitted under sections 578.600 to 578.624, no person shall:

2 (1) Own or possess a large carnivore;

3 (2) Breed a large carnivore;

4 (3) Transfer ownership or possession of or receive a transfer of ownership or possession
5 of a large carnivore, with or without remuneration; or

6 (4) Transport a large carnivore.

7 2. The division shall implement and enforce the provisions of sections 578.600 to
8 578.624 for the following purposes:

9 (1) The standardization of ownership, transport, and breeding of large carnivores;

10 (2) Identification and location of large carnivores;

11 (3) Protection of members of the public from large carnivores; and

12 (4) Practice best husbandry and health care protocols to ensure the humane and safe
13 treatment of large carnivores on behalf of their physical well-being.

14 3. Any person possessing, breeding, or transporting a large carnivore on or after
15 January 1, 2012, shall apply for and obtain a permit from the division. Any person possessing,
16 breeding, or transporting a large carnivore as of January 1, 2012, shall apply for a permit from
17 the division within sixty days of such date. One permit shall be required for each [large
18 carnivore] **site that houses, keeps, possesses, harbors, or has custody or control of a large**
19 **carnivore or carnivores. Where one possessor keeps more than one large carnivore on the**

20 **same site, only one permit is needed; except that, each adult possessor shall be separately**
21 **listed on the permit and one adult possessor shall be designated as the executor of the**
22 **permit and shall be responsible for all legal decisions regarding the large carnivore or**
23 **carnivores.** Any permit so issued by the division shall set forth all of the following:

24 (1) The name and address of the permit holder and the address [where each large
25 carnivore will be kept] **of the site**, if different from that of the permit holder;

26 (2) **The number of large carnivores kept by the permit holder on the site;**

27 (3) The identification number [of] **required under section 578.604 for** each large
28 carnivore [required under section 578.604 for which a permit is sought] **that is kept on the site;**

29 [(3)] (4) The name and address of the veterinarian who is expected to provide veterinary
30 care to [the] **each** large carnivore **on the site** and, if different, the name and address of the
31 veterinarian [who has inserted the subcutaneous microchip] **involved in the identification**
32 **process** required under section 578.604. The selected veterinarian shall [install the microchip,
33 collect an appropriate sample for DNA registration] **ensure the animal complies with section**
34 **578.604**, provide a written summary of the physical examination, and provide a signed health
35 certificate as needed for transport; and

36 [(4)] (5) Any other reasonable information as determined by the department, including
37 the amount of the permit fee[, not to exceed two thousand five hundred dollars, as set by the
38 division to offset the actual and necessary costs incurred to enforce the provisions of sections
39 578.600 to 578.624] and the amount of the annual renewal fee, [not to exceed five hundred
40 dollars, for such permits] **which shall be set in amounts that allow the department to recover**
41 **only up to the actual costs of administering and enforcing sections 578.600 to 578.624.**

42 4. [No permit shall be issued to any person under] **A person shall be ineligible for a**
43 **permit under this section if such person:**

44 (1) **Is under** the age of twenty-one years of age [or who] ;

45 (2) Has been found guilty of, or pled guilty to, a violation of any state or local law
46 prohibiting neglect or mistreatment of any animal or, within the previous ten years, any felony;
47 **or**

48 (3) **Does not have a valid license from the United States Department of Agriculture**
49 **for a large carnivore, if such person is required by federal law to have such license.**

50 5. Any information submitted to the department under this section shall be
51 considered a closed record under chapter 610. A person's status as an applicant under this
52 section or a holder of a permit under sections 578.600 to 578.624 shall be considered
53 confidential and not subject to chapter 610. No disclosure of any information submitted
54 to the department under this section shall be made unless mandated by a court order,

55 **except that the department shall cooperate with law enforcement agencies upon any such**
56 **request by a law enforcement agency.**

578.604. The owner of a large carnivore shall have an identification number placed in
2 the large carnivore via subcutaneous microchip, at the expense of the owner, by or under the
3 supervision of a veterinarian **to ensure that the large carnivore has permanent identification.**
4 **The department shall, by rule, determine acceptable methods for compliance with the**
5 **provisions of this section.**

578.606. 1. Any person who owns, possesses, breeds, or sells a large carnivore shall
2 adhere to all United States Department of Agriculture regulations and standards.

3 2. [Upon the death of a large carnivore, the owner shall notify the state department of
4 agriculture of such death within ten business days. Such notification shall include the
5 identification number from the animal's subcutaneous microchip.] **The department shall keep**
6 **records of all valid permit holders. A permit holder shall notify the department of any**
7 **changes to the information on the permit within thirty days of such change, which shall**
8 **include the death of a large carnivore or the acquisition of a new large carnivore to be**
9 **located on the site.**

578.610. 1. **The possessor of a large carnivore shall not allow physical contact**
2 **between members of the public and the large carnivore except in accordance with rules**
3 **promulgated by the department.**

4 2. Any person who owns or possesses a large carnivore is liable in a civil action for the
5 death or injury of a human and for property damage, including but not limited to the death or
6 injury of another animal, caused by the large carnivore. Sections 578.600 to 578.624 do not limit
7 the common law liability of the owner of a large carnivore for the death or injury of a human or
8 for property damage caused by the large carnivore.

9 [2.] 3. Any person who owns or possesses a large carnivore shall maintain **proof of**
10 **financial responsibility for liability damages for destruction of or damage to property and**
11 **death or bodily injury to a person caused by the large carnivore. Such financial**
12 **responsibility may be met by any of the following ways:**

13 (1) **The maintenance of liability insurance coverage** in an amount of not less than [two-
14 hundred] fifty thousand dollars, **or an amount determined by rule by the department, for**
15 **each occurrence of liability;**

16 (2) **The acquisition of a surety bond, which shall be conditioned for payments in**
17 **amounts and under the same circumstances as would be required in a liability insurance**
18 **policy under subdivision (1) of this subsection; or**

19 (3) **The deposit of cash or securities with the state treasurer in an amount as**
20 **determined by rule by the department, which shall be an amount sufficient to satisfy**

21 execution of a judgment against the owner or possessor in similar amounts as would be
22 provided in an insurance policy under subdivision (1) of this subsection. The
23 administration of this provision shall be similar to the administration of cash deposits
24 under section 303.240.

25

26 Each person subject to the provisions of this subsection shall provide [verification] **proof of**
27 **financial responsibility** to the department on an annual basis [that such liability insurance is
28 being maintained] . **Such proof shall consist of a copy of the certificate of insurance,**
29 **evidence of surety bond, or the certificate of cash deposit issued by the state treasurer.**

30 **4. Each possessor shall have an emergency plan in the event of a natural disaster**
31 **and a plan for the quick and safe recapture of an escaped or released large carnivore. Any**
32 **such plan shall include designated capture equipment, location, and lethal and nonlethal**
33 **options for recapture. The plan shall also include humane euthanasia of the large**
34 **carnivore if recapture is deemed impossible.**

35 [3.] **5. If a large carnivore escapes or is released, intentionally or unintentionally, the**
36 **person who owns or possesses the large carnivore shall immediately contact law enforcement**
37 **to report the loss, escape, or release. The person who owns or possesses the large carnivore is**
38 **liable for all expenses associated with efforts to recapture the large carnivore that is released or**
39 **escapes.**

40 **6. No person shall intentionally release a large carnivore. If a large carnivore is**
41 **intentionally released, the person responsible for the release is liable for all expenses**
42 **associated with efforts to recapture the animal and may be subject to criminal prosecution.**

578.612. [A person lawfully in possession of a large carnivore under sections 578.600
2 to 578.624 shall be required to obtain a permit to transport the large carnivore in a vehicle in
3 compliance with all federal and division requirements applicable to such large carnivores.] **1.**
4 **If the department finds that an applicant for an original or renewal permit does not meet**
5 **the requirements under sections 578.600 to 578.624, the department shall deny the**
6 **applicant a permit and give the applicant written notice of the denial and the reasons for**
7 **the denial.**

8 **2. If the department finds that a person with a valid permit has not complied with**
9 **sections 578.600 to 578.624, the department may suspend or revoke the permit and give the**
10 **person written notice of the suspension or revocation and the reasons for the suspension**
11 **or revocation.**

12 **3. The department may revoke a permit issued under sections 578.600 to 578.624**
13 **if the holder of the permit pleads guilty to or is found guilty of a violation under section**
14 **578.009 or 578.012.**

15 **4. A person who is denied a permit, denied a renewal of a permit, or who has had**
16 **a permit suspended or revoked may appeal the decision to the director no later than fifteen**
17 **days after the permit was denied, suspended, or revoked. The director shall hold an**
18 **informal hearing and shall render a decision within sixty days of receiving notice of such**
19 **appeal. Any decision by the director may be appealed to a court of competent jurisdiction.**

20 **5. The department shall promulgate rules related to the actions taken if the person**
21 **is denied a permit or a permit is revoked.**

578.613. 1. The department, its staff or agents, and law enforcement officers may
2 **enforce the provisions of sections 578.600 to 578.624.**

3 **2. The possessor of a large carnivore, at all reasonable times, shall allow law**
4 **enforcement officers and the department's staff or agents to enter the premises where the**
5 **large carnivore is kept to ensure compliance with sections 578.600 to 578.624.**

578.614. 1. [Subject to subsection 2 of this section, any person who violates sections
2 **578.600 to 578.624 is guilty of] A violation of sections 578.600 to 578.624 shall be a class A**
3 **misdemeanor[. Any person who fails to obtain a permit as required by sections 578.600 to**
4 **578.624 is guilty of a class A misdemeanor. Any person who intentionally releases a large**
5 **carnivore except to the care, custody, and control of another person is guilty of a class D felony]**
6 **except that a violation of subsection 6 of section 578.610 shall be a class D felony. In**
7 **addition, a person who violates sections 578.600 to 578.624 may be [punished by] subject to one**
8 **or more of the following:**

9 (1) Community service work for not more than five hundred hours;

10 (2) The loss of privileges to own or possess any animal.

11 **2. Subsection 1 of this section does not apply to a law enforcement officer, animal**
12 **control officer, qualified veterinarian, or department of agriculture employee with respect to the**
13 **performance of the duties of a law enforcement officer, animal control officer, qualified**
14 **veterinarian, or department of agriculture employee under sections 578.600 to 578.624.**

578.615. 1. If a possessor is no longer able to care for his or her large carnivore,
2 **the possessor may:**

3 (1) Transfer his or her large carnivore to another person who holds a valid permit;

4 (2) Contact the department; or

5 (3) Contact a wildlife sanctuary accredited or approved by the department.

6 **2. For any transfer under subsection 1 of this section, the department shall be**
7 **notified at least thirty days prior to such transfer and all relevant information on both**
8 **permits shall be updated to reflect such transfer.**

578.620. [1.] Sections [578.602 and 578.604] 578.600 to 578.624 shall not apply to any
2 **of the following:**

3 (1) An animal control shelter or animal protection shelter that is providing temporary
4 care to a large carnivore for ninety days or less and has proper facilities to handle the large
5 carnivore;

6 (2) A law enforcement officer or department of agriculture employee acting under the
7 authority of sections 578.600 to 578.624;

8 (3) A veterinarian temporarily in possession of a large carnivore to provide veterinary
9 care for or humanely euthanize the large carnivore;

10 (4) [A class C licensee that possesses and maintains a class C license under 9 C.F.R. 1.1
11 that meets the following conditions:

12 (a) The business is not conducted in connection with another business as a means of
13 attracting customers to such other business;

14 (b) The class C licensee currently owns or possesses a large carnivore on August 28,
15 2010; except that, any class C licensee whose license is revoked after August 28, 2010, shall be
16 required to obtain a state permit. For any large carnivore acquired after August 28, 2010, the
17 class C licensee shall obtain a state permit.

18 2. Sections 578.602 and 578.604 shall not apply to a person who is not a resident of this
19 state and who is in this state only for the purpose of travel between locations outside of this state
20 and is not exhibiting in this state] **Persons temporarily transporting a large carnivore**
21 **through the state if the transit time is not more than seventy-two hours and the animal is**
22 **at all times maintained within a confinement sufficient to prevent the large carnivore from**
23 **escaping;**

24 (5) **Persons temporarily transporting a large carnivore within the state if the transit**
25 **time is not more than twenty-four hours, the animal is at all times maintained within a**
26 **confinement sufficient to prevent the large carnivore from escaping, and the department**
27 **receives a breeder's certificate as notification of the transport;**

28 (6) **A circus;**

29 (7) **The University of Missouri-Columbia College of Veterinary Medicine; or**

30 (8) **A person or site licensed by the United States Department of Agriculture for a**
31 **large carnivore, so long as the licensed facility registers the United States Department of**
32 **Agriculture license with the Missouri department of agriculture and provides any**
33 **information as prescribed by the department.**

2 **578.700. 1. Sections 578.700 to 578.745 shall be known and may be cited as the**
3 **"Nonhuman Primate Act".**

2 **2. As used in sections 578.700 to 578.745, the following terms shall mean:**

(1) "Circus", an incorporated, class C licensee that is licensed under Chapter I of Title 9 of the Code of Federal Regulations that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment;

(2) "Department", the Missouri department of agriculture;

(3) "Director", the director of the Missouri department of agriculture;

(4) "Facility", an indoor or outdoor cage, pen, or similar enclosure where a nonhuman primate is kept;

(5) "Livestock", the same meaning as such term is defined in section 267.565;

(6) "Nonhuman primate", a baboon or a Nonhuman Great Ape (chimpanzee, orangutan, gorilla), including hybrids thereof;

(7) "Permit", an original or renewal permit issued by the department under sections 578.700 to 578.745;

(8) "Person", any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof;

(9) "Possessor", any person who owns, possesses, keeps, harbors, brings into the state, has in one's possession, acts as a custodian of, or has custody or control of, a nonhuman primate;

(10) "Site", contiguous property on which one or more facilities are located;

(11) "Wildlife sanctuary", a nonprofit organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent amendments, that:

(a) Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal;

(b) Does not conduct any commercial activity with respect to dangerous wild animals, including, but not limited to:

a. Sale, trade, auction, lease, or loan of dangerous wild animals or parts of such animals; or

b. Use of dangerous wild animals in any manner in a for-profit business or operation;

(c) Does not use dangerous wild animals for entertainment purposes or in a traveling exhibit;

(d) Does not breed any dangerous wild animals;

(e) Does not allow members of the public the opportunity to come into contact with dangerous wild animals;

- 40 (f) Is accredited by the Global Federation of Animal Sanctuaries; and
41 (g) Is accredited or approved by the department.

578.703. It shall be unlawful for any person to own, possess, keep, harbor, transfer
2 ownership of, bring into the state, have in one's possession, act as a custodian, or have
3 custody or control of a nonhuman primate, except in compliance with sections 578.700 to
4 578.745 and any United States Department of Agriculture regulation or standard.

578.704. The owner of a nonhuman primate shall ensure that the nonhuman
2 primate has permanent identification. The department shall, by rule, determine acceptable
3 methods for compliance with the provisions of this section. Any owner in possession of a
4 nonhuman primate as of August 28, 2013, shall have up to twelve months after the
5 promulgation of rules in which to comply with the provisions of this section.

578.706. 1. The provisions of sections 578.700 to 578.745 shall not apply to:

- 2 (1) An animal control shelter or animal protection shelter that is providing
3 temporary care to a nonhuman primate for ninety days or less and has proper facilities to
4 handle the nonhuman primate;
5 (2) A law enforcement officer or department of agriculture employee acting under
6 the authority of sections 578.700 to 578.745;
7 (3) A veterinarian temporarily in possession of a nonhuman primate to provide
8 veterinary care for or humanely euthanize the nonhuman primate;
9 (4) Wildlife sanctuaries accredited or approved by the department;
10 (5) A research facility as defined by the Animal Welfare Act, 7 U.S.C. Section 2132,
11 as amended;
12 (6) Persons temporarily transporting a nonhuman primate through the state if the
13 transit time is not more than twenty-four hours, the animal is at all times maintained
14 within a confinement sufficient to prevent the nonhuman primate from escaping, and the
15 department is notified of the itinerary and route of the nonhuman primate in transport;
16 (7) Persons temporarily transporting a nonhuman primate within the state if the
17 transit time is not more than twenty-four hours, the animal is at all times maintained
18 within a confinement sufficient to prevent the nonhuman primate from escaping, and the
19 department receives a breeder's certificate as notification of the transport; or
20 (8) A circus.

21 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, a
22 wildlife sanctuary under subdivision (4) of subsection 1 of this section shall not be exempt
23 from the provisions of section 578.704.

578.709. 1. A person shall not own, possess, keep, harbor, have in one's possession,
2 act as a custodian, or have custody or control of a nonhuman primate on and after

3 September 1, 2014, unless that person holds a valid permit under sections 578.700 to
4 578.745.

5 2. A person shall apply for a permit within thirty days of the acquisition of a
6 nonhuman primate unless such person owned or otherwise had the nonhuman primate in
7 his or her possession as of August 28, 2013, in which case such person shall have until
8 thirty days after September 1, 2014, to apply for a permit. One permit shall be required
9 for each site. Where one possessor keeps more than one nonhuman primate on the same
10 site, only one permit is needed. A person or site licensed by the United States Department
11 of Agriculture for a nonhuman primate is exempt from the permit requirements of this
12 section, so long as the licensed facility registers the United States Department of
13 Agriculture license with the Missouri department of agriculture and provides any
14 information as prescribed by the department.

578.712. 1. To obtain a permit under section 578.709, a person shall submit an
2 application to the department on forms provided by the department. In addition to any
3 other information the department may deem necessary, the application shall require the
4 following:

- 5 (1) The name, address, telephone number, and date of birth of the applicant;
- 6 (2) A description of each nonhuman primate possessed by the applicant that is
7 located on the site, including the identification number under section 578.704, scientific
8 name, name, sex, age, color, weight, and any distinguishing marks or coloration that would
9 aid in the identification of the animal;
- 10 (3) The exact location where each nonhuman primate on the site is to be kept;
- 11 (4) The name, address, and telephone number of the person from whom the
12 applicant obtained each nonhuman primate, if known; (5) The name, address, and
13 telephone number of the veterinarian providing veterinary care to each nonhuman primate
14 and a certificate of good health from the possessor's veterinarian;
- 15 (6) Copies of any federally- or internationally-required permits for each nonhuman
16 primate; and
- 17 (7) Proof of the financial responsibility required under subsection 2 of section
18 578.724.

19 2. A permit shall be valid for one year and may be renewed. The department shall
20 establish procedures for obtaining a renewal permit.

21 3. A person shall not be eligible to apply for a permit under this section if he or she
22 is under twenty-one years of age or if he or she has pled guilty to or been found guilty of:

- 23 (1) A violation of any state or local law prohibiting neglect or mistreatment of any
24 animal; or

25 (2) Within the previous ten years, any felony.

26 4. Any information submitted to the department under this section shall be
27 considered a closed record under chapter 610. A person's status as an applicant under this
28 section or a holder of a permit under sections 578.700 to 578.745 shall be considered
29 confidential and not subject to chapter 610. No disclosure of any information submitted
30 to the department under this section shall be made unless mandated by a court order,
31 except that the department shall cooperate with law enforcement agencies upon any such
32 request by a law enforcement agency.

 578.715. 1. The department may establish and charge a separate fee for the
2 original application for and renewal of a permit. The department shall set each fee in an
3 amount to allow the department to recover only up to the actual costs of administering and
4 enforcing sections 578.700 to 578.745. At no time shall the total fee revenues exceed the
5 total actual cost of administering and enforcing these sections. The fee revenues shall be
6 deposited into the fund created under this section and shall only be used by the department
7 for the administration and enforcement of these sections.

8 2. A permit shall not be issued by the department unless the department finds that
9 all of the requirements in sections 578.700 to 578.745 have been met.

10 3. A permit shall set forth all of the following information:

11 (1) The name, address, telephone number, and date of birth of the permit holder;

12 (2) The address of the site if different from the address in subdivision (1) of this
13 subsection;

14 (3) The name, identification number, sex, species, and age of each nonhuman
15 primate that is located on the site, and any distinguishing marks or coloration that would
16 aid in the identification of each animal;

17 (4) The name, address, and telephone number of the veterinarian who provides
18 veterinary care to each nonhuman primate listed on the permit. Veterinarian records for
19 each nonhuman primate shall be made available at any time; and

20 (5) Any other relevant information the department may deem necessary.

21 4. The department shall keep records of all valid permit holders. A permit holder
22 shall notify the department of any changes to the information on the permit within thirty
23 days of such change, which shall include the death of a nonhuman primate or the
24 acquisition of a new nonhuman primate to be located on the site.

25 5. There is hereby created in the state treasury the "Nonhuman Primate Fund",
26 which shall consist of money collected under this section. The state treasurer shall be
27 custodian of the fund and may approve disbursements from the fund in accordance with
28 sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for

29 the administration of sections 578.700 to 578.745. Any moneys remaining in the fund at
30 the end of the biennium shall not revert to the credit of the general revenue fund. The state
31 treasurer shall invest moneys in the fund in the same manner as other funds are invested.
32 Any interest and moneys earned on such investments shall be credited to the fund.

578.718. 1. If the department finds that an applicant for an original or renewal
2 permit does not meet the requirements under sections 578.700 to 578.745, the department
3 shall deny the applicant a permit and give the applicant written notice of the denial and
4 the reasons for the denial.

5 2. If the department finds that a person with a valid permit has not complied with
6 sections 578.700 to 578.745, the department may suspend or revoke the permit and give the
7 person written notice of the suspension or revocation and the reasons for the suspension
8 or revocation.

9 3. The department may revoke a permit issued under sections 578.700 to 578.745
10 if the holder of the permit pleads guilty to or is found guilty of a violation under section
11 578.009 or 578.012.

12 4. A person who is denied a permit, denied a renewal of a permit, or who has had
13 a permit suspended or revoked may appeal the decision to the director no later than fifteen
14 days after the permit was denied, suspended, or revoked. The director shall hold an
15 informal hearing and shall render a decision within sixty days of receiving notice of such
16 appeal. Any decision by the director may be appealed to a court of competent jurisdiction.

578.721. 1. If a possessor can no longer care for his or her nonhuman primate, the
2 possessor may:

3 (1) Transfer his or her nonhuman primate to another person who holds a valid
4 permit;

5 (2) Contact the department; or

6 (3) Contact a wildlife sanctuary accredited or approved by the department.

7 2. In the event of a transfer under subsection 1 of this section, the department shall
8 be notified at least thirty days prior to the transfer and all relevant information on both
9 permits shall be updated to reflect the transfer.

578.724. 1. Each possessor shall have a plan for the quick and safe recapture of an
2 escaped or released nonhuman primate. Any such plan shall include designated capture
3 equipment, location, and lethal and nonlethal options for recapture. The plan shall also
4 include humane euthanasia of the nonhuman primate if recapture is deemed impossible.

5 2. A possessor of a nonhuman primate shall maintain proof of financial
6 responsibility for liability damages for destruction of or damage to property and death or

7 **bodily injury to a person caused by the nonhuman primate. Such financial responsibility**
8 **may be met by any of the following ways:**

9 **(1) The maintenance of liability insurance coverage in an amount of not less than**
10 **fifty thousand dollars, or an amount determined by rule by the department, for each**
11 **occurrence of liability;**

12 **(2) The acquisition of a surety bond, which shall be conditioned for payments in**
13 **amounts and under the same circumstances as would be required in a liability insurance**
14 **policy under subdivision (1) of this subsection; or**

15 **(3) The deposit of cash or securities with the state treasurer in an amount as**
16 **determined by rule by the department, which shall be an amount sufficient to satisfy**
17 **execution of a judgment against the possessor in similar amounts as would be provided in**
18 **an insurance policy under subdivision (1) of this subsection. The administration of this**
19 **provision shall be similar to the administration of cash deposits under section 303.240.**

20

21 **For purposes of showing proof of financial responsibility as part of the permit process, the**
22 **possessor of a nonhuman primate shall provide to the department a copy of the certificate**
23 **of insurance, evidence of surety bond, or the certificate of cash deposit issued by the state**
24 **treasurer.**

578.727. 1. The possessor of a nonhuman primate shall not allow physical contact
2 **between members of the public and the nonhuman primate except in accordance with rules**
3 **promulgated by the department.**

4 **2. If any nonhuman primate escapes, either intentionally or unintentionally, the**
5 **possessor of the nonhuman primate shall immediately contact a law enforcement officer**
6 **of the city or county where the escape occurred to report the escape or release. The**
7 **possessor is liable for all expenses associated with efforts to recapture the animal and may**
8 **be subject to criminal prosecution.**

9 **3. No person shall intentionally release a nonhuman primate. If a nonhuman**
10 **primate is intentionally released, the person responsible for the release is liable for all**
11 **expenses associated with efforts to recapture the animal and may be subject to criminal**
12 **prosecution.**

578.730. 1. The department, its staff or its agents, and law enforcement officers
2 **may enforce the provisions of sections 578.700 to 578.745.**

3 **2. The possessor of a nonhuman primate, at all reasonable times, shall allow law**
4 **enforcement officers and the department's staff or agents to enter the premises where the**
5 **nonhuman primate is kept to ensure compliance with sections 578.700 to 578.745.**

578.734. 1. A law enforcement officer or other person may kill a nonhuman primate if such officer or person observes or has reason to believe that the nonhuman primate is chasing, attacking, injuring, or killing:

(1) A human being, whether the nonhuman primate is contained in or is outside of its enclosure;

(2) Livestock;

(3) Poultry; or

(4) A mammalian pet, only if the nonhuman primate is outside of its enclosure.

2. No law enforcement officer, animal control officer, or person shall be held civilly liable for damages or otherwise for killing or attempting to kill a nonhuman primate under subsection 1 of this section.

3. A nonhuman primate's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the person who owns or possesses the nonhuman primate is liable in damages.

4. Any person who owns or possesses a nonhuman primate is liable in a civil action for the death or injury of a human and for property damage, including but not limited to the death or injury of another animal, caused by the nonhuman primate. Sections 578.700 to 578.745 do not limit the common law liability of the owner of a nonhuman primate for the death or injury of a human or for property damage caused by the nonhuman primate.

578.736. 1. A violation of sections 578.700 to 578.745 is a class A misdemeanor except that a violation of subsection 3 of section 578.727 is a class D felony. In addition, a person who violates sections 578.700 to 578.745 may be subject to one or more of the following:

(1) Community service work for not more than five hundred hours;

(2) The loss of privileges to own or possess any animal.

2. Subsection 1 of this section shall not apply to a law enforcement officer, animal control officer, veterinarian, or department of agriculture employee with respect to the performance of the duties of a law enforcement officer, animal control officer, veterinarian, or department of agriculture employee under sections 578.700 to 578.745.

578.737. 1. If a person who owns, possesses, breeds, or sells a nonhuman primate violates any provision of sections 578.700 to 578.745, such nonhuman primate and any other nonhuman primate owned or possessed by such person are subject to civil forfeiture.

2. The prosecuting attorney in an action under section 578.736 may file a petition requesting that the court issue an order for civil forfeiture of all of the nonhuman primates owned or possessed by the person violating any provision of sections 578.700 to 578.745.

2 **578.739. 1. The department shall promulgate rules to implement and administer**
3 **sections 578.700 to 578.745. This includes, but is not limited to, the creation of the permit**
4 **program established under sections 578.700 to 578.745, the form and content of the**
5 **applications for the permit and renewal permit, and fees for the permit.**

6 **2. Any rule or portion of a rule, as that term is defined in section 536.010 that is**
7 **created under the authority delegated in this section shall become effective only if it**
8 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
9 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
10 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
11 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
12 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
 shall be invalid and void.

2 **578.742. A political subdivision may adopt an ordinance governing nonhuman**
3 **primates that is more restrictive than sections 578.700 to 578.745. The requirements of**
4 **sections 578.700 to 578.745 are in addition to any other requirements governing a**
5 **nonhuman primate under state and federal law.**

2 **578.745. If any provision of sections 578.700 to 578.745 or the application thereof**
3 **to anyone or to any circumstance is held invalid, the remainder of those sections and the**
4 **application of such provisions to others or other circumstances shall not be affected**
5 **thereby.**

2 [578.622. Sections 578.600 to 578.624 shall not apply to a circus, the
3 University of Missouri-Columbia College of Veterinary Medicine, or a zoological
4 park that is a part of a district created under chapter 184.]

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